

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NORMAN WADE DOBBINS,

Plaintiff,

VS.

**AMERIQUEST MORTGAGE COMPANY,
AMC MORTGAGE SERVICES, INC.,
CITI RESIDENTIAL LENDING, INC. and
WASHINGTON MUTUAL MORTGAGE
SECURITIES CORP. d/b/a WASHINGTON
MUTUAL BANK,**

Defendants.

CASE NO. 3-07-1254

JUDGE TRAUGER

**JOINT MOTION FOR STAY OF ALL PROCEEDINGS
AND EXTENSION OF TIME TO ANSWER**

Plaintiff Norman Wade Dobbins and Defendants Ameriquest Mortgage Company, AMC Mortgage Services, Inc., Citi Residential Lending, Inc. and Washington Mutual Mortgage Securities Corp. ("Defendants") hereby move to stay the lawsuit initiated by Plaintiff on December 14, 2007, pending resolution of the transfer of this matter to Multidistrict Litigation No. 1715.

As grounds for this Motion, the parties aver that this lawsuit has been identified to the Judicial Panel on Multidistrict Litigation as a "tag-along" or related matter to MDL 1715. A stay, therefore, is warranted to preserve judicial resources and to avoid any prejudice to the parties.

By way of background, on or about July 1, 2005, plaintiffs in *Cheryl Williams and Duvall Naughton et al. v. Ameriquest Mortgage Company*, Civil Action No. 1-05-6189 (S.D.N.Y.), filed a Motion to Transfer for Coordination and/or Consolidation Pursuant to 28 U.S.C. § 1407 ("Transfer Motion"), seeking transfer of their action and four other actions to the Central District

of California for coordinated or consolidate pretrial proceedings. On December 13, 2005, the Panel issued the Transfer Order transferring all five actions identified in the Transfer Motion to the Transferee Court pursuant to 28 U.S.C. § 1407 for coordinated or consolidated pretrial proceedings.

In the Transfer Order, the Panel held as follows:

On the basis of the papers filed and hearing session held, the Panel finds that these five actions involve common questions of fact, and that centralization under Section 1407 in the Northern District of Illinois will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All five actions before the Panel concern allegedly predatory lending practices by Ameriquest Mortgage Co., or a related entity, in soliciting and closing residential mortgage transactions; among other things, plaintiffs allege that Ameriquest failed to disclose material terms and engaged in so-called bait-and-switch tactics. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery; prevent inconsistent pretrial rulings, including those with respect to class certification; and conserve the resources of the parties. [pp. 1-2].

The Panel has issued over thirty (30) Conditional Transfer Orders, conditionally transferring approximately 283 actions against Defendants and other defendants to the Transferee Court for coordinated or consolidated pretrial proceedings with those actions previously transferred pursuant to the Transfer Order.

Defendants are required to seek removal of this lawsuit to MDL 1715 under the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. Specifically, Rule 1.1 states that "[a] 'tag-along action' refers to a civil action pending in a district court and involving common questions of fact with actions previously transferred under" 28 U.S.C. § 1407. Pursuant to Rule 7.4, the Clerk of the Panel may issue an order transferring tag-along actions to the previously designated transferee court; in this instance MDL 1715. Plaintiff has no objection to the entry of a stay of proceedings in this case.

The parties further agree that if the MDL Panel declines to accept this case as a "tag-along" proceeding, that Defendants may have thirty (30) days from the date of that decision to answer or otherwise respond to the Complaint.

Therefore, the parties respectfully request that the Court grant this Motion and issue a temporary stay pending the MDL Panel's decision to transfer this lawsuit to MDL 1715 and afford Defendants thirty (30) days to answer or respond to the Complaint when the stay is lifted. A proposed order is attached hereto.

Dated this the 26th day of February, 2008.

Respectfully submitted,

/s/ Katherine Knight Layhew
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David W. Houston, IV (BPR# 20802)
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on February 26th, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to the following:

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Attorney for Plaintiff
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/s/ Katherine Knight Layhew
Katherine Knight Layhew

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AGREED ORDER

Upon agreement of the Plaintiff and Defendants and for good cause shown, it is hereby ORDERED that all proceedings in this case are stayed pending the Multidistrict Litigation Panel ruling on the motion to accept this case as a "tag-along" or related matter to MDL 1715. It is further ORDERED that, should the Multidistrict Litigation Panel decline to accept this case as a "tag-along," Defendants shall have thirty (30) days from the date of that decision to answer or otherwise respond to the Complaint.

ENTERED this the day of , 2008.

Approved for Entry:

/s/ Katherine Knight Layhew
Katherine Knight Layhew (BPR # 22274)
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